

From: ["Saric, James" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE:GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=1563015DBEEE49A1AEA479C55929F0D1-JSARIC>](mailto:JSARIC@EXCHANGELABS.OU=EXCHANGE ADMINISTRATIVE:GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1563015DBEEE49A1AEA479C55929F0D1-JSARIC)
To: [Wood](#)
[Nicole](#)
CC:
Date: 9/9/2013 10:43:46 AM
Subject: FW: Kalamazoo River NRDA: Trustee plans to seek funding from the Lyondell Restoration Trust Account

FYI. I see your weren't copied on this.

Jim

From: Williams, Lisa [mailto:lisa_williams@fws.gov]
Sent: Wednesday, September 04, 2013 3:54 PM
To: Carlson, Janet; Berkoff, Michael; Saric, James
Cc: Judie Alfano; Polly Synk (AG); Sharon Hanshue; Todd.Goeks@noaa.gov; Laurie Lee - NOAA Federal; Julie Sims; Mary Taylor; Hanson, Andrew (ENRD); Paul Bucholtz
Subject: Kalamazoo River NRDA: Trustee plans to seek funding from the Lyondell Restoration Trust Account

[Sent on behalf of Judie Alfano]

Dear Jan Carlson, Michael Berkoff, and Jim Saric:

This letter is provided on behalf of the Natural Resource Trustee Council for the Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund Site to inform you of the Trustees' plans to seek funding in the near future from the Lyondell Environmental Custodial Trust (Restoration Trust Account) to implement certain restoration actions related to Operable Unit 1 of the Superfund Site. The Natural Resource Trustee Council consists of agencies authorized under federal and Michigan law to assess and seek compensatory restoration for injuries to natural resources caused by the release of hazardous substances. For the Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund Site, the Trustee Council includes the U.S Fish and Wildlife Service (USFWS), the National Oceanic and Atmospheric Administration (NOAA), the Michigan Department of Natural Resources (MDNR), the Michigan Department of Environmental Quality (MDEQ), and the Michigan Attorney General.

As you know, the Lyondell bankruptcy settlement directed approximately \$2 million to the Allied Paper Mill Transferred Real Property Restoration Trust Account (Restoration Trust Account), with the Federal Trustees (USFWS and NOAA) designated as the Lead Government Agencies for that subaccount. The "other government agency" that must be consulted regarding expenditures from the Restoration Trust Account is the MDNRE, the former Michigan Department of Natural Resources and Environment; that State agency has since been reformed as two successor agencies which are also designated Trustees: the MDEQ and MDNR. The proposed disbursement of Restoration Trust Account funds and the implementation of the projects at OU1 have the full support of the entire Trustee Council and all necessary consultations have taken place.

The Trustees plan to implement several projects beginning in 2013, including (1) the removal of the Alcott Street Dam on Portage Creek in Kalamazoo; (2) the first year of benthic invertebrate monitoring in the OU1 area; (3) the first year of fish monitoring in the OU1 area; (4) completion of an engineering plan for restoration activities on the Bronson Hospital Property on Portage Creek; and (5) completion of an engineering plan for improved public access and restoration of native vegetation at the Kalamazoo Nature Center property on Portage Creek in Kalamazoo. Some of these projects will require additional funding in the next few years, but are all expected to be completed in less than five years. All of the projects for which the Trustees will seek funding have been presented to the public through outreach efforts associated with issuance of the *Draft Restoration Plan and Environmental Assessment for Portage Creek and OU1*, including a public meeting on May 1, 2012; posting of the document to the websites of the USFWS, NOAA, and MDEQ; in paper copies at local libraries; and through publication of notices in the *Kalamazoo Gazette* (local newspaper).

The amount that Trustees will request from the Trustee for disbursement in 2013 from the Allied Paper Mill Transferred Real Property Restoration Cost Account is \$1,770,000. An additional \$230,000 is expected to be requested to complete the monitoring and oversight of the projects in 2014 and 2015.

The Trustees hope to continue coordinating restoration work with the cleanup work being overseen by U.S. EPA, and we welcome your questions or comments on these proposals. Please contact me or Lisa Williams, USFWS (517-351-8324).

Judith Alfano

DEQ Remediation and Redevelopment Division
Superfund Section
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